

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
ERIE DIVISION

DEMETRIUS BROWN,	)	
Plaintiff,	)	
	)	
	)	
v.	)	Civil Action No. 04-379E
	)	
U.S. JUSTICE DEPARTMENT,	)	
BUREAU OF PRISONS, FCI MCKEAN,	)	
WARDEN JOHN J. LAMANNA,	)	
REGIONAL DIRECTOR D. SCOTT	)	
DODRILL, MEDICAL DIRECTOR	)	
NEWTON E. KENDIG, DIRECTOR	)	
HARLEY G. LAPPIN,	)	
Defendants.	)	

ORDER

AND NOW, this \_\_\_\_\_ day of February, 2006,

**IT IS HEREBY ORDERED THAT,** Plaintiff's MOTION with leave TO SECOND AMEND COMPLAINT WITH JURISDICTIONAL STATEMENT ADDING INADDITION TO 'FTCA' JURISDICTION, A FEDERAL QUESTION JURISDICTION AGAINST DEFENDANTS IN THEIR INDIVIDUAL CAPACITIES FOR A "BIVENS CLAIM" IN VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS is **GRANTED.**

**IT IS FURTHER ORDERED THAT,** the United States Marshals shall **personally serve** Defendants- John J. LaManna, D. Scott Dodrill, Newton E. Kendig, and Harley G. Lappin by delivering a copy of the complaint, amended complaint and second amended complaint for answer.

**IT IS FURTHER ORDERED THAT,** the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

\_\_\_\_\_  
/s/

cc:United States Marshals  
All parties of record